

Joint Standing Committee on Utilities and Energy

LD 222

**An Act Providing for Regulation of the Cable Television Industry
by the Public Utilities Commission**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	ONTP MAJ	
EDMONDS	OTP-AM MIN	

LD 222, which was carried forward from the First Regular Session, proposed to subject basic tier service rates and services of cable systems to regulation by the Public Utilities Commission. The bill also proposed to establish hearing and complaint procedures for rate increases or product or service changes by a cable system operator and direct the commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any increases or changes that the commission finds to be unreasonable.

Committee Amendment "A" (H-670) was the minority report of the Joint Standing Committee on Utilities and Energy. The amendment proposed to add an appropriations and allocations section to the bill.

LD 547

**An Act To Increase Bill Reductions for Electricity Customers in
Maine**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	ONTP MAJ	
	OTP MIN	

LD 547

Current law provides for the exercise of some discretion by the Public Utilities Commission in setting assessment rates for funding electricity conservation programs for Maine's electricity customers. The PUC can set the assessment no lower than .5% of a transmission and distribution utility's total revenues and no higher than .15 cents per kilowatt hour. LD 547, which was carried forward from the First Regular Session, proposed to establish a single rate, .25 cent per kilowatt-hour, for all investor-owned transmission and distribution utilities in the State while leaving with the commission discretion for setting an assessment rate for consumer-owned utilities.

LD 639

An Act To Ensure Accurate Electric Rates for the Ski Industry

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN	ONTP	
HATCH PH		

LD 639, which was carried forward from the First Regular Session, proposed to require the Public Utilities Commission to establish rates for transmission and distribution utility service to ski areas for lift operation and snowmaking that accurately reflect the winter and summer peaks in use of transmission and distribution utilities.

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LD 671

An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State

PUBLIC 555

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-399

LD 671, which was carried forward from the First Regular Session, proposed to do the following:

1. Establish a regulatory structure for distributed generation designed to remove barriers to the development of distributed generation in this State;
2. Require the Public Utilities Commission to establish rules governing the retail sale of excess electricity from a distributed generator;
3. Authorize the commission to require a transmission and distribution utility to purchase excess electricity from a distributed generator and resell it at wholesale;
4. Direct the commission to allow certain distributed generators to elect a net energy billing arrangement; and
5. Direct the commission to examine and address issues related to distributed generation and report back to the Joint Standing Committee on Utilities and Energy by January 1, 2004.

Committee Amendment "A" (S-399), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to require standard-offer service providers that serve areas of this State within the New England independent system operator control area to purchase the output of generators with a capacity of 5 megawatts or less at a price that is financially neutral to the standard-offer service providers. It proposed to direct the commission to require standard-offer service providers that serve the northern region of the State to purchase the output of such generators if it finds that the market design in that region will accommodate such purchases.

Enacted Law Summary

Public Law 2003, chapter 555 requires standard-offer service providers that serve areas of this State within the New England independent system operator control area to purchase the output of generators with a capacity of 5 megawatts or less at a price that is financially neutral to the standard-offer service providers. The commission is directed to require standard-offer service providers that serve the northern region of the State to purchase the output of such generators if it finds that the market design in that region will accommodate such purchases.

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LD 1157

An Act To Promote Clean and Efficient Energy

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	ONTP	

LD 1157, which was carried forward from the First Regular Session, was a concept draft pursuant to Joint Rule 208.

LD 1157 proposed to support clean and efficient energy in Maine by:

1. Increasing funding for energy efficiency by establishing a single, statewide system benefit charge for Maine's electricity efficiency program of .15 cents per kilowatt hour in 2003, .25 cents per kilowatt hour in 2006 and .30 cents per kilowatt hour starting in 2008;
2. Establishing new appliance and equipment energy standards for 15 products not currently covered by federal standards;
3. Increasing renewable energy production in Maine by amending the State's renewable energy portfolio standard to gradually increase the percentage of electricity products sold in Maine that are composed of clean, new renewable energy; and
4. Increasing energy efficient building construction by requiring that the so-called "LEED Green Building Standards" be established as the new residential building code in Maine and requiring the State to use this standard for all new state buildings and renovations of state buildings. The bill also proposed to increase enforcement of building codes to ensure compliance.

LD 1201

An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	ONTP MAJ	
WESTON	OTP-AM MIN	

LD 1201, which was carried forward from the First Regular Session, proposed to provide that an owner or operator of a facility at which casino-style gambling is conducted is responsible for the costs to improve or replace utilities and infrastructure located within a 25-mile radius of the facility.

Committee Amendment "A" (H-645), which was the minority report of the Joint Standing Committee on Utilities and Energy proposed to replace the bill. This amendment proposed to allow a state agency or any municipality or county located within 25 miles of a casino facility to assess the facility for all costs incurred by the agency or the town or county directly or indirectly resulting from the construction or operation of the facility. It also proposed to make the facility responsible for all costs incurred by any utility that serves the facility. It proposed to define "casino" so as to grandfather the so-called racinos that were approved by voters on November 3, 2003.

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House Amendment "A" (H-687) proposed to amend the bill. It proposed to preserve the requirement that an owner or operator of a facility at which casino-style gambling is conducted be responsible for the improvement or replacement of utilities and infrastructure in the vicinity of the casino. The amendment proposed to extend this requirement of financial responsibility for infrastructure improvements to the owners or operators of solid waste disposal facilities.

LD 1261

**Resolve, To Direct the Public Utilities Commission To Examine
Certain Issues Relating to Energy Efficiency**

RESOLVE 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-424
BLISS	OTP-AM MIN	

LD 1261, which was carried forward from the First Regular Session, proposed to:

1. Establish minimum energy efficiency standards for certain products, such as ceiling fans, illuminated exit signs, traffic signal lights and digital cable television boxes.
2. Increase the assessment imposed by the Public Utilities Commission on transmission and distribution utilities to 0.2¢ per kilowatt-hour to fund energy conservation programs;
3. Impose an additional assessment on transmission and distribution utilities of 0.1¢ per kilowatt-hour to fund the Clean Energy Fund to be established in the Public Utilities Commission to encourage the development, construction and operation of new renewable energy resources projects, defined as electrical generation powered by fuel cells using renewable fuels; tidal, ocean or wave power; solar arrays and installations; wind power; and geothermal power;
4. Establish goals for increasing new renewable energy generation; and
5. Establish the Clean Energy Advisory Committee to review and assess the progress of the State in promoting the development of new renewable energy and in meeting the goals set for increasing new renewable energy generation.

Committee Amendment "A" (S-424), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill with a resolve relating to a major subject of the bill: energy-efficient product standards. It proposed to replace the title to reflect this change. It proposed to direct the Public Utilities Commission to undertake an examination of the feasibility and possible design of a program that would provide incentives for residential and commercial consumers to purchase and install energy-efficient appliances or that would establish energy efficiency standards. The amendment proposed to direct the commission to submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 30, 2005.

Committee Amendment "B" (S-425), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and change the title to reflect the content of the amendment. The amendment proposed to:

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1. Repeal provisions of law relating to the Public Utilities Commission's energy efficiency and low-income assistance programs and direct the commission to return to ratepayers unspent money collected pursuant to these programs; and
2. Repeal provisions of a private and special law enacted in 2001 that granted, with conditions and limitations, Great Northern Paper, Inc. and its successors in interest the authority to sell rights granted by the Legislature to Great Northern Paper, Inc. and its predecessors in interest relating to hydropower facilities and the right to sell to 3rd parties electricity generated by those hydropower facilities.

Enacted Law Summary

Resolve 2003, chapter 119 directs the Public Utilities Commission to undertake an examination of the feasibility and possible design of a program that would provide incentives for residential and commercial consumers to purchase and install energy-efficient appliances or that would establish energy efficiency standards. The commission is directed to submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 30, 2005.

LD 1360

An Act To Create a No-contact List and Prohibit Unsolicited E-mail

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	ONTP MAJ OTP-AM MIN	

LD 1360, which was carried forward from the First Regular Session, proposed to regulate telephone solicitation by consolidating various laws regarding telemarketers found in different sections of the Maine Revised Statutes and do the following (see also LD 1317):

1. Change the scope of the application to include all telemarketers, regardless of their place of business. Calls made by nonprofit charitable organizations and political organizations would be exempt;
2. Prohibit a telemarketer from blocking the display of its phone number from the consumer being called (this was accomplished in the First Regular Session -- LD 331, enacted as PL 2003, c. 70);
3. Continue the current restrictions on the use of automated telephone calling devices to make telemarketing calls;
4. Require telemarketers making solicitations via facsimile to provide the name and address of the person making the solicitation, as well as a toll-free telephone number that must be answered by an individual on weekdays between the hours of 9 a.m. and 5 p.m. or that automatically deletes the specified telephone number of the caller from the telemarketer's database (current law prohibits unsolicited faxes);
5. Require the Attorney General to establish, either in-house or through a contract with a private vendor, a Maine no-contact list of consumers in this State who object to receiving unsolicited telemarketing or telephone calls or commercial e-mail;

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6. Allow telemarketers and commercial e-mail senders to purchase the Maine no-contact list from the Attorney General for a fee not to exceed \$75 and prohibits telemarketers from calling consumers listed on the Maine no-contact list;
7. Allow an action to be brought against a telemarketer by the Attorney General, by a state agency that licenses the telemarketer or by the affected consumer. A violation would be punishable by a civil penalty or administrative penalty of up to \$3,000 for each violation;
8. Require the Attorney General to report to the Legislature every 2 years regarding the Maine no-contact list, complaints and enforcement actions and any suggested changes for improving the regulation of telemarketing; and
9. Restrict "spam" (unsolicited commercial e-mail) (this was accomplished in the First Regular Session -- LD 255, enacted as PL 2003, c. 327).

Committee Amendment "A" (S-355) proposed to add an appropriation section and a fiscal note to the bill.

LD 1659

An Act To Streamline the Time-share Rate Collection Process

**PUBLIC 526
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS MAYO	OTP-AM MAJ ONTP MIN	H-669

LD 1659 proposed to allow sanitary districts, when collecting rates from time-share estates, to use the same process used by municipalities to collect real estate taxes from such estates.

Committee Amendment "A" (H-669), which is the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill while preserving the essential features of the bill. This amendment proposed to:

1. Allow utilities to require the managing entity of time-share estates to collect and pay a unified utility bill using procedures that mirror those currently in law for collection of municipal taxes;
2. Allow utilities and managing entities to make other mutually acceptable arrangements and preserves the authority utilities may have under other law to collect and recover assessments;
3. Add an emergency preamble and emergency clause to the bill; and
4. Change the title of the bill to reflect the changes made by the amendment.

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Enacted Law Summary

Public Law 2003, chapter 526:

1. Allows utilities to require the managing entity of time-share estates to collect and pay a unified utility bill. The procedures mirror those currently in law for collection of municipal taxes; and
2. Allows utilities and managing entities to make other mutually acceptable arrangements and preserves the authority utilities may have under other law to collect and recover assessments.

Public Law 2003, chapter 526 was enacted as an emergency and took effect on March 3, 2004.

LD 1672

An Act Concerning the Charter of the Dover and Foxcroft Water District

**P & S 39
EMERGENCY**

Sponsor(s)
ANNIS

Committee Report
OTP-AM

Amendments Adopted
H-734

LD 1672 proposed to amend the territory of the Dover and Foxcroft Water District and increase the number of trustees of the board of trustees of the Dover and Foxcroft Water District from 3 trustees to 5 trustees.

Committee Amendment "A" (H-734) proposed to replace the bill. The amendment was substantively the same as the bill with the exception that it proposed to modify and clarify the description of the district territory, clarify the debt limit language, remove the authority granted to the district in the bill to take water from sources outside the district but within the Town of Dover-Foxcroft and make it expressly clear that certain special water rights of the district do not exempt the district from otherwise applicable laws and rules, such as laws governing dams and water levels. The amendment proposed to unify those portions of the district's charter that the bill sought to preserve with the several new provisions, thus consolidating in one document all the provisions of the charter.

Specifically, the amendment proposed to:

1. Generally make the charter of the Dover and Foxcroft Water District conform with the standard water district model charter;
2. Preserve the following provisions of the current charter: provisions granting the district the franchise, property and rights of the Dover and Foxcroft Village Fire Company, which became the water district in 1903; provisions granting the district's rights to sell for manufacturing purposes power on its dam at Pratt's rips; provisions granting the district rights to take water from Garland Pond and to regulate the dam on it; and provisions relating to the district's authorization to refinance some debt through the Maine Municipal Bond Bank;
3. Change some provisions of the existing charter: remove the authority to create a pond by damming Meadow Brook; increase the number of trustees from 3 to 5; expand the territory of the district within the town to include the existing service territory, to accommodate a possible mill expansion and to include an area for a proposed

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standpipe; and set the district's debt limit at \$1,500,000 and allow the district to hold a referendum if it wishes to establish a higher debt limit; and

4. Authorize the district to take water from Salmon Stream Pond. Since 1926, the district has been using water from that pond as its water source.

Enacted Law Summary

Private and Special Law 2003, chapter 39:

1. Generally makes the charter of the Dover and Foxcroft Water District conform with the standard water district model charter;
2. Preserves the following provisions of the current charter: provisions granting the district the franchise, property and rights of the Dover and Foxcroft Village Fire Company, which became the water district in 1903; provisions granting the district rights to sell for manufacturing purposes power on its dam at Pratt's rips; provisions granting the district rights to take water from Garland Pond and to regulate the dam on it; and provisions relating to the district's authorization to refinance some debt through the Maine Municipal Bond Bank;
3. Changes some provisions of the existing charter: removes the authority to create a pond by damming Meadow Brook; increases the number of trustees from 3 to 5; expands the territory of the district within the town to include the existing service territory, to accommodate a possible mill expansion, and to include an area for a proposed standpipe; and sets the district's debt limit at \$1,500,000 and allows the district to hold a referendum if it wishes to establish a higher debt limit; and
4. Authorizes the district to take water from Salmon Stream Pond. Since 1926, the district has been using water from that pond as its water source.

Private and Special Law 2003, chapter 39 is not subject to referendum approval. It was enacted as an emergency, and took effect March 24, 2004.

LD 1683

**An Act Relating to the Establishment of a Central Maine Regional
Public Safety Communication Center**

PUBLIC 678

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT MOODY	OTP-AM	S-454

LD 1683 proposed to create the Central Maine Regional Public Safety Communication Center.

Committee Amendment "A" (S-454) proposed to replace the bill and change the title. This amendment proposed to establish the Maine Communications System Policy Board within the Department of Public Safety. The purpose of the board would be to establish policies, procedures and standards for the cooperative use of the department's communication systems by municipal, county and state governmental entities. The board would also be directed to develop an implementation plan for the voluntary consolidation of the various governmental communication

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systems in Kennebec County with the department's communication systems and for the design of an appropriate communications unit within the department. The board would be composed of representatives of the state and of local governments and emergency service providers who participate in the cooperative use of the department's communication systems, as well as representatives of employees, users of the system and the public. The amendment also proposed to direct the Commissioner of Public Safety, within existing resources, to appoint a department employee to supervise the department's communications systems and to carry out policy and procedures established by the board pending establishment of a communications unit within the department. Upon establishment of a communications unit in the department, the commissioner would be directed, to the extent resources are available and with the approval of the board, to appoint a director to administer the unit, plan, direct and supervise the day-to-day operations of the unit and carry out the policies and procedures of the board. The director could be dismissed by the commissioner for cause with the approval of the board.

Enacted Law Summary

Public Law 2003, chapter 678 establishes the Maine Communications System Policy Board within the Department of Public Safety. The purpose of the board is to establish policies, procedures and standards for the cooperative use of the department's communication systems by municipal, county and state governmental entities. The board is also directed to develop an implementation plan for the voluntary consolidation of the various governmental communication systems in Kennebec County with the department's communication systems and for the design of an appropriate communications unit within the department. The board is composed of representatives of the state and of local governments and emergency service providers who participate in the cooperative use of the department's communication systems, as well as representatives of employees, users of the system and the public. Public Law 2003, chapter 678 also directs the Commissioner of Public Safety, within existing resources, to appoint a department employee to supervise the department's communications systems and to carry out policy and procedures established by the board pending establishment of a communications unit within the department. Upon establishment of a communications unit in the department, the commissioner is directed, to the extent resources are available and with the approval of the board, to appoint a director to administer the unit, plan, direct and supervise the day-to-day operations of the unit and carry out the policies and procedures of the board. The director may be dismissed by the commissioner for cause with the approval of the board.

LD 1692

An Act To Enhance Pine Tree Development Zones

PUBLIC 610

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ	H-831 RINES
BLISS	OTP-AM MIN	S-446

LD 1692 proposed to exempt a business that is certified as a qualified Pine Tree Development Zone business from the stranded cost portion of the business's utility bill. The bill also proposed to modify the procedural requirements for changing a Pine Tree Development Zone's development plan.

Committee Amendment "A" (S-446), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill.

The amendment proposed to change the procedures relating to the designation and amendment of Pine Tree Development Zones and associated development plans by local units of government to provide that municipal officers may act on behalf of each local unit of government and that a local unit of government may arrange with a

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public or private organization to administer the local Pine Tree Development Zone activities and to act as the lead administrative entity.

The amendment also proposed to add provisions that authorize transmission and distribution utilities to offer discounted rates to qualified Pine Tree Development Zone businesses; authorize the Public Utilities Commission to take into account the overall benefits to ratepayers resulting from state efforts to promote economic development within Pine Tree Development Zones when approving discount rates, line extension terms and conditions or special conservation program benefits for qualified Pine Tree Development Zone businesses; and exempt sales of electricity to qualified Pine Tree Development Zone businesses from certain renewable portfolio requirements. These provisions would be repealed on December 31, 2009.

Committee Amendment "B" (S-447), which was not adopted, was the minority report of the Joint Standing Committee on Utilities and Energy, and proposed to accomplish the following.

1. Provide that the sale of electricity to qualified Pine Tree Development Zone businesses is exempt from renewable portfolio requirements.
2. Require the Public Utilities Commission to establish a surcharge on electricity generated in this State that is not needed to meet the electric demand of consumers in this State. The surcharge would be used to reimburse transmission and distribution utilities for stranded costs that are not collected from qualified Pine Tree Development Zone businesses as a result of the rate exemption established by the bill.

House Amendment "A" to Committee Amendment "A" (H-831) was presented on behalf of the Committee on Bills in the Second Reading to number a section to read consecutively with existing law.

Enacted Law Summary

Public Law 2003, chapter 610 changes the procedures relating to the designation and amendment of Pine Tree Development Zones and associated development plans by local units of government to provide that municipal officers may act on behalf of each local unit of government and that a local unit of government may arrange with a public or private organization to administer the local Pine Tree Development Zone activities and to act as the lead administrative entity.

It also adds provisions that authorize transmission and distribution utilities to offer discounted rates to qualified Pine Tree Development Zone businesses; authorize the Public Utilities Commission to take into account the overall benefits to ratepayers resulting from state efforts to promote economic development within Pine Tree Development Zones when approving discount rates, line extension terms and conditions or special conservation program benefits for qualified Pine Tree Development Zone businesses; and exempt sales of electricity to qualified Pine Tree Development Zone businesses from certain renewable portfolio requirements. These provisions are repealed on December 31, 2009.

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LD 1711

An Act Concerning Advertising of Business Names in Telephone Directories

PUBLIC 647

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	ONTP MAJ	H-737 CRESSEY
CLOUGH	OTP-AM MIN	H-827 BLISS
		S-398

LD 1711 proposed to require a telephone utility that lists in its directory an "800" or other toll-free number on behalf of a business customer to include with that listing the address of the business to which the number connects.

Committee Amendment "A" (S-398), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and change the title to reflect the substance of the amendment. This amendment proposed to prohibit a person (except a foreign corporation with gross annual revenues over \$100 million) from advertising or causing to be listed in a telephone directory a business name that is intentionally designed to misrepresent where the business is located or operating or falsely identifies the business as being located or operating in the area covered by the telephone directory.

House Amendment "A" to Committee Amendment "A" (H-730), which was not adopted, proposed to provide that the prohibition against local misrepresentation applies to retail businesses offering consumer goods for sale in this State.

House Amendment "B" to Committee Amendment "A" (H-737) proposed to provide that the prohibition against local misrepresentation applies to any businesses offering consumer goods for sale in this State.

House Amendment "C" to Committee Amendment "A" (H-827) proposed to clarify that each day that the number is listed constitutes a separate offense until the number is disabled.

Enacted Law Summary

Public Law 2003, chapter 647 prohibits businesses offering consumer goods for sale in this State (except a foreign corporation with gross annual revenues over \$100 million) from advertising or causing to be listed in a telephone directory a business name that is intentionally designed to misrepresent where the business is located or operating or falsely identifies the business as being located or operating in the area covered by the telephone directory. Each day that the number listed is not disabled constitutes a separate offense.

LD 1730

An Act To Create the Position of Director of Energy Programs at the Public Utilities Commission

PUBLIC 606

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ	H-761
HALL	ONTP MIN	

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LD 1730 proposed to create 3 positions within the Public Utilities Commission. The new positions, a director, an analyst and a secretary, would oversee and carry out activities related to energy efficiency activities. Funds for these positions would be allocated from the Conservation Administration Fund.

Committee Amendment "A" (H-761), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to incorporate a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 606 creates 3 positions within the Public Utilities Commission. The new positions, a director, an analyst and a secretary, are created to oversee and carry out activities related to energy efficiency activities. Funds for these positions are allocated from the Conservation Administration Fund.

LD 1740 **An Act To Make Electricity Provider Do-not-call Requirements Consistent with State and Federal Requirements** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	ONTP	

LD 1740 proposed to replace the special statutory limitations on telemarketing by competitive electricity providers, which require the Public Utilities Commission to maintain a "do-not-call list," with a reference to the federal and state "do-not-call" telemarketing limitations. (See LD 1741.)

LD 1741 **An Act To Amend the Laws Relating To Requirements for Competitive Electricity Providers** **PUBLIC 558**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-718

LD 1741 proposed to replace the requirement that a competitive electricity provider annually provide certain information disclosures to all consumers with the requirement that the provider annually provide the information to all residential and small commercial consumers.

Committee Amendment "A" (H-718) proposed to add provisions to the bill relating to the laws governing competitive electricity providers. It proposed to change the title to reflect these additions. The additions were taken from other legislation introduced this session (LD 1740) and were brought into this bill to avoid a technical conflict: they replace the special statutory limitations on telemarketing by competitive electricity providers, which require the Public Utilities Commission to maintain a "do-not-call list," with a reference to the federal and state "do-not-call" telemarketing limitations.

Enacted Law Summary

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Public Law 2003, chapter 558 replaces the requirement that a competitive electricity provider annually provide information disclosures to all consumers with a requirement that the provider annually provide the information to all residential and small commercial consumers. It also replaces the special statutory limitations on telemarketing by competitive electricity providers, which require the Public Utilities Commission to maintain a "do-not-call list," with a reference to the general federal and state "do-not-call" telemarketing limitations (this provision was drawn from LD 1740 to avoid a technical conflict).

LD 1750

An Act To Improve the Ability of Water Utilities To Maintain a Contingency Allowance

PUBLIC 529

Sponsor(s)
BLISS
HALL

Committee Report
OTP-AM

Amendments Adopted
H-676

LD 1750 proposed to change the law governing the contingency reserve allowance for consumer-owned water utilities. The bill proposed to eliminate the requirement that revenues generated by the allowance be placed in a separate fund and so eliminate specific caps (based on the size of the utility) governing amounts that may be collected in the fund and the limitations on the use of the fund. The bill proposed to eliminate the requirement that if a utility over-collects under its allowance for 3 consecutive years, it must notify its ratepayers and hold a public hearing; it also proposed to change the standards governing when the Public Utilities Commission may require rate reductions or credits to address over-collections. The bill also proposed to eliminate an obsolete grandfathering clause.

Committee Amendment "A" (H-676) proposed to replace the bill but preserve the substance of many of the bill's provisions. As in the bill, the amendment proposed to eliminate the requirement that consumer-owned water utilities establish a separate fund to collect contingency allowance collections. The amendment proposed to permit a contingency allowance of up to 10% of revenues for small utilities with total annual revenues of no more than \$85,000 (it proposed to preserve the 5% cap for larger utilities). It proposed to specify that amounts collected through the allowance may be spent only for purposes for which other revenues may lawfully be spent and clarify that all such expenditures are subject to Public Utilities Commission review. It proposed to preserve the provision of existing law that specifies that if a utility collects amounts that the Public Utilities Commission determines to be inconsistent with just and reasonable rates, the commission may require rate reductions or credits. It proposed to preserve the current law's requirement that if a utility over-collects under its allowance for 3 consecutive years, it must notify its ratepayers and hold a public hearing. It proposed to provide that such notice to ratepayers must be provided no later than July 1st of the calendar year following the 3rd consecutive year of over-collection. It also proposed to remove or change, as appropriate, references to the contingency fund in other sections of law.

Enacted Law Summary

Public Law 2003, chapter 529 eliminates the requirement that consumer-owned water utilities establish a separate fund to collect contingency allowance collections. It permits a contingency allowance of up to 10% of revenues for small utilities with total annual revenues of no more than \$85,000 (it preserves the current 5% limit for larger utilities). It specifies that amounts collected through the allowance may be spent only for purposes for which other revenues may lawfully be spent and clarifies that all such expenditures are subject to Public Utilities Commission review. It preserves a provision of existing law that if a utility collects amounts that the Public Utilities Commission determines to be inconsistent with just and reasonable rates, the commission may require rate

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reductions or credits. It preserves the current law's requirement that if a utility over-collects under its allowance for 3 consecutive years, it must notify its ratepayers and hold a public hearing. It provides that such notice to ratepayers must be provided no later than July 1st of the calendar year following the 3rd consecutive year of over-collection. It also removes or changes, as appropriate, references to the contingency fund in other sections of law.

LD 1751

An Act To Create Consistency between State and Federal Telephone Consumer Protection Laws

PUBLIC 530

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP	

LD 1751 proposed to amend the so-called “slamming law” that protects consumers from the unauthorized initiation (change) of service by a local or intrastate interexchange carrier. The bill proposed to correct a cross reference to telemarketing laws which were reallocated to a new subchapter in Title 32 by Public Law 2001, chapter 324; to clarify that electronic authorization of service initiation is allowed (Title 10 section 9407 allows this; it is also consistent with federal “slamming” rules); to require carriers to retain records for 24 months rather than 12 months, consistent with recent changes to federal rules; to remove a requirement that an interexchange carrier who slams a customer transfer that customer back to the customer’s original carrier (this function is in fact carried out by the original carrier or through the PUC); and to remove reference to a federal rule repealed in 1999.

Enacted Law Summary

Public Law 2003, chapter 530 amends the so-called “slamming law” that protects consumers from the unauthorized initiation (change) of service by a local or intrastate interexchange carrier. It corrects a cross reference to telemarketing laws that were reallocated by Public Law 2001, chapter 324 to a new subchapter in Title 32; clarifies that electronic authorization of service initiation is allowed (Title 10 section 9407 allows this -- it is also consistent with federal “slamming” rules); requires carriers to retain records for 24 months rather than 12 months, consistent with recent changes to federal rules; removes a requirement that an interexchange carrier who slams a customer transfer that customer back to the customer’s original carrier (this function is in fact carried out by the original carrier or through the PUC); and removes reference to a federal rule repealed in 1999.

LD 1819

An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals

PUBLIC 553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-396
	OTP-AM MIN	

LD 1819 included the legislative recommendations of the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals.

Joint Standing Committee on Utilities and Energy

Part A proposed to amend the law relating to the Telecommunications Equipment Fund administered by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness. Part A proposed to expand the use of the fund to include equipment used to provide or facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment. It also proposed to change the name of the fund to reflect this expansion. It also proposed to repeal an obsolete provision relating to the provision of up to 50% of the cost of specialized customer telecommunications equipment under certain circumstances to an organization or municipality. Part A proposed to increase the telecommunications carrier assessment to cover the costs associated with providing equipment to facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment.

Part B proposed to establish a new tax incentive for entities that sponsor closed captioning, open captioning or other methods of visual presentation of audio information for persons who are deaf or hard-of-hearing. The amount of the sponsorship would be subtracted from the taxable income of the entity.

Part C proposed to establish as the policy of the State the encouragement of a communications system that involves seamless, integrated, robust and redundant means of communication that enable rapid contact with first responders, ensure emergency alert notification to all affected persons in the State, including at-risk populations such as the hearing or visually impaired, and enhance homeland security.

Committee Amendment "A" (S-396), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to do the following.

1. It proposed to transfer the funding source for the Communications Equipment Fund from an assessment made by the Department of Labor, Bureau of Rehabilitation Services to the universal service fund administered by the Public Utilities Commission.
2. It proposed to preserve the current \$85,000 annual total collections from telecommunications service providers to support the Communications Equipment Fund but permit the commission to transfer amounts otherwise available in the universal service fund to the Communications Equipment Fund, up to a total of \$122,500 in any year, if the Communications Equipment Fund fails to receive adequate funding from federal or other sources to carry out its purposes.
3. It proposed to remove from the bill Part B, which proposed to create a tax exemption for sponsorship of closed captioning.
4. It proposed to require the Department of Labor, Bureau of Rehabilitation Services to apply for grants of federal homeland security funds administered by the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to support the purposes of the Communications Equipment Fund.
5. It proposed to require the Maine Emergency Management Agency to provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2005 detailing the amount of homeland security funding that has been provided to support the purposes of the Communications Equipment Fund and access to emergency alert and news services for persons with disabilities, including persons who are blind.
6. It also proposed to add an appropriations and allocations section.

Joint Standing Committee on Utilities and Energy

Committee Amendment "B" (S-397), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to amend Part A to provide funding from the E-9-1-1 fund to the Telecommunications Equipment Fund, renamed the Communications Equipment Fund under the bill. These additional funds would be used to purchase text-message pagers for persons who are deaf or hard-of-hearing. This amendment also proposed to remove Part B and Part C of the bill.

Enacted Law Summary

Public Law 2003, chapter 553 is based on certain legislative recommendations of the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals.

Public Law 2003, chapter 553 amends the law relating to the Telecommunications Equipment Fund administered by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness. It expands the use of the fund to include equipment used to provide or facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment. It also changes the name of the fund to the Communications Equipment Fund to reflect this expansion. It transfers the funding source for the Communications Equipment Fund from an assessment on telecommunications service providers made by the Department of Labor, Bureau of Rehabilitation Services to the universal service fund administered by the Public Utilities Commission (which is also funded by an assessment on telecommunications service providers). It preserves the current \$85,000 annual total collections from telecommunications service providers to support the Communications Equipment Fund but permits the commission to transfer amounts that may otherwise be available in the universal service fund to the Communications Equipment Fund, up to a total of \$122,500 in any year, if the Communications Equipment Fund fails to receive adequate funding from federal or other sources to carry out its purposes.

Public Law 2003, chapter 553 requires the Department of Labor, Bureau of Rehabilitation Services to apply for grants of federal homeland security funds administered by the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to support the purposes of the Communications Equipment Fund. It requires the Maine Emergency Management Agency to provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2005 detailing the amount of homeland security funding that has been provided to support the purposes of the Communications Equipment Fund and access to emergency alert and news services for persons with disabilities, including persons who are blind.

Public Law 2003, chapter 553 repeals an obsolete provision relating to the provision of up to 50% of the cost of specialized customer telecommunications equipment under certain circumstances to an organization or municipality.

Finally, it establishes as the policy of the State the encouragement of a communications system that involves seamless, integrated, robust and redundant means of communication that enable rapid contact with first responders, ensure emergency alert notification to all affected persons in the State, including at-risk populations such as the hearing or visually impaired, and enhance homeland security.

Joint Standing Committee on Utilities and Energy

LD 1846

Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 127
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-776

LD 1846 proposed to provide for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-776) proposed to authorize final adoption of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission, provided certain changes are made. The required changes would:

1. Clarify language regarding the facilities about which members of the Dig Safe System are required to provide location information to the Dig Safe System for mapping purposes, remove a requirement that members of the Dig Safe System provide such information in a particular format and add a requirement that the information locate facilities with a certain degree of accuracy;
2. Add a provision specifying that telephone utilities are not required to provide to the Dig Safe System for mapping purposes the location of service drops from a main line to customer premises;
3. Add a provision requiring the Public Utilities Commission to grant a waiver from the mapping requirements for any water utility transmission mains that are downstream of a treatment plant or underground water source and permitting the Public Utilities Commission to require the utility to provide an alternative method of facility location specification;
4. Add a provision specifying that the mapping requirements do not take effect until May 1, 2005; and
5. Modify language governing the handling of facility information in the possession of the Dig Safe System to ensure the security of that information.

Enacted Law Summary

Resolve 2003, chapter 127 authorizes final adoption of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission, provided certain changes are made. The required changes will:

1. Clarify language regarding the facilities about which members of the Dig Safe System are required to provide location information to the Dig Safe System for mapping purposes, remove a requirement that members of the Dig Safe System provide such information in a particular format, and add a requirement that the information locate facilities with a certain degree of accuracy;
2. Add a provision specifying that telephone utilities are not required to provide to the Dig Safe System for mapping purposes the location of service drops from a main line to customer premises;

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3. Add a provision requiring the Public Utilities Commission to grant a waiver from the mapping requirements for any water utility transmission mains that are downstream of a treatment plant or underground water source and permitting the Public Utilities Commission to require the utility to provide an alternative method of facility location specification;
4. Add a provision specifying that the mapping requirements do not take effect until May 1, 2005; and
5. Modify language governing the handling of facility information in the possession of the Dig Safe System to ensure the security of that information.

Resolve 2003, chapter 127 was enacted as an emergency and took effect April 9, 2004.

LD 1860

An Act To Amend the Charter of the Mount Desert Water District

ONTP

Sponsor(s)
KOFFMAN
DAMON

Committee Report
ONTP

Amendments Adopted

LD 1860 proposed to amend the charter of the Mount Desert Water District. A municipal officer in the Town of Mount Desert is not eligible to be a trustee under the current charter. The bill proposed to allow up to 2 municipal officers to be trustees.

LD 1874

An Act To Amend the Charter of the South Berwick Water District

**P & S 40
EMERGENCY**

Sponsor(s)
LEMONT

Committee Report
OTP

Amendments Adopted

LD 1874 proposed to amend the charter of the South Berwick Water District by increasing the debt limit of the district from \$4,000,000 to \$5,200,000.

Enacted Law Summary

Private and Special Law 2003, chapter 40 amends the charter of the South Berwick Water District by increasing the current debt limit of the district from \$4,000,000 to \$5,200,000. The change is not subject to referendum approval. Public and Special Law 2003, chapter 40 was enacted as an emergency and took effect April 6, 2004.

Joint Standing Committee on Utilities and Energy

LD 1889

**Resolve, Directing the Public Utilities Commission To Implement
Universal Rural Broadband Internet Access Statewide**

ONTP

Sponsor(s)
HALL

Committee Report
ONTP

Amendments Adopted

LD 1889 proposed one of the recommendations of the Presiding Officers' Task Force on Creating a Future for Youth in Maine. It proposed to direct the Public Utilities Commission to develop a plan to implement universal rural broadband Internet access statewide by January 15, 2006. The Public Utilities Commission would be directed to report on this initiative no later than September 8, 2005 and every 6 months thereafter until implementation is complete.

The Committee, through a letter, asked the Public Utilities Commission to examine ways of expanding access in underserved areas of the State to high-speed technologies.

LD 1919

**An Act To Make Supplemental Appropriations and Allocations for
the Expenditures of State Government and To Change Certain
Provisions of the Law Necessary to the Proper Operations of State
Government for the Fiscal Years Ending June 30, 2004 and June
30, 2005 (Parts PP, S, V and IIII)**

PUBLIC 673

Sponsor(s)
BRANNIGAN
CATHCART

Committee Report
See AFA Comm.
Summary

Amendments Adopted
See AFA Comm. Summary

LD 1919 was the supplemental budget bill for 2004-2005. Several portions of the bill and amendments relate to matters of specific relevance to the Joint Standing Committee on Utilities and Energy; those portions are summarized here.

The original bill included the following proposals.

1. Part PP proposed to increase the telephone E-911 surcharge by 7 cents (from 50 to 57 cents) and to direct these extra funds to the General Fund (this provision was changed by Committee Amendment A, see below).
2. Part S proposed to transfer the Nuclear Safety Advisor from the State Planning Office to the Office of the Public Advocate and to modify the qualifications and funding for that position. (This provision was ultimately included in chapter 673).
3. Part V proposed to repeal certain sales taxes and to create a new service provider tax. The purpose of this part relates to Medicaid funding and achieving certain state-matching-fund conditions for access to federal funds. Among the taxes that would be affected are those on telecommunications services. (This provision was ultimately included in chapter 673).

The following proposed amendments were ultimately adopted and included in chapter 673.

Committee Amendment “A”, as amended by House Amendment “Z”, replaced Part PP of the bill; it proposed to transfer \$1,043,460 from the E-911 Fund to the General Fund by June 30, 2005.

Joint Standing Committee on Utilities and Energy

House Amendment “AA” proposed to add a new Part FFFF (which became Part IIII in chapter 673) relating to the so-called schools and libraries program at the PUC. It proposed to direct the PUC, when determining the level of financial assistance from the Maine Telecommunications Education Access Fund (MTEAF) to qualified libraries, to mitigate the impact of lost federal funding in those cases in which libraries have determined they cannot meet the conditions for receiving federal funds without substantially compromising their standards or missions.

LD 1929

**An Act To Promote Economic Development in the State by
Encouraging the Production of Electricity from Renewable and
Indigenous Resources**

PUBLIC 665

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN KNEELAND	OTP-AM	H-886

LD 1929 proposed to amend Maine’s eligible resources portfolio standard (RPS). It proposed to modify the definition of “renewable resource” by removing reference to facilities that qualify under PURPA as “small power production facilities” (generally under 80MW facilities that use renewable fuels, as defined in federal rules); adding landfill gas (under 100MW); and requiring, in order to qualify for the RPS, that 50% of any wind power be on land of a tribe recognized after 1/1/1979. It proposed to preserve current 30% standard (which may be met with renewable or efficient resources) . It proposed to create a new Tier 2 portfolio requirement starting March 1, 2005. Eligibility for Tier 2 would be limited to a subset of “renewable resources”(only generators using fuel cells, tidal, solar, wind, geothermal and landfill gas); the requirement would begin at 1% and increase ½%/year, reaching 5% in 2013. It would provide for an alternative compliance payment of \$35/MWH and create a fund into which such payments would be made; it would direct the PUC to disburse collected funds as per MWH payments to Tier 2 - eligible resources; it would direct the PUC to report its recommendations (on what is not specified) by Dec. 15, 2007. It would allow for credit trading to meet the Tier 2 requirements.

Committee Amendment "A" (H-886) proposed to replace the bill. The amendment proposed to accomplish the following.

1. It proposed to direct the Public Utilities Commission to inform consumers in this State of the benefits of electricity generated in this State using renewable resources and authorize the commission to create a brand or logo to identify such resources.
2. It proposed to direct the Public Utilities Commission to adopt major substantive rules establishing standards and procedures for incorporating renewable resources that are constructed after March 1, 2004 into standard-offer service. The rules must be submitted for legislative review by March 1, 2005.
3. It proposed to establish legislative findings with regard to wind energy production in this State.
4. It proposed to direct the Public Utilities Commission to monitor markets and sale opportunities accessible to wind power installations in this State to determine whether such markets and opportunities are available for the sale of wind energy and authorizes the commission, in consultation with the Attorney General, to initiate regulatory and other legal action to protect access to markets by wind power facilities located in Maine.

Joint Standing Committee on Utilities and Energy

5. It proposed to direct the Public Utilities Commission to conduct a study of the viable potential for wind power facilities in the State and to review what qualifies as renewable resources in the Maine Revised Statutes, Title 35-A to determine whether changes may be appropriate and to issue a report of its findings and recommendations by March 15, 2005.

Enacted Law Summary

Public Law 2003, chapter 665 accomplishes the following.

1. It directs the Public Utilities Commission to inform consumers in this State of the benefits of electricity generated in this State using renewable resources and authorizes the commission to create a brand or logo to identify such resources.
2. It directs the Public Utilities Commission to adopt major substantive rules establishing standards and procedures for incorporating renewable resources that are constructed after March 1, 2004 into standard-offer service. The rules must be submitted for legislative review by March 1, 2005.
3. It establishes legislative findings with regard to wind energy production in this State.
4. It directs the Public Utilities Commission to monitor markets and sale opportunities accessible to wind power installations in this State to determine whether such markets and opportunities are available for the sale of wind energy and authorizes the commission, in consultation with the Attorney General, to initiate regulatory and other legal action to protect access to markets by wind power facilities located in Maine.
5. It directs the Public Utilities Commission to conduct a study of the viable potential for wind power facilities in the State and to review what qualifies as renewable resources under Title 35-A, section 3210 to determine whether changes may be appropriate and to issue a report of its findings and recommendations by March 15, 2005.

LD 1935

An Act To Create the Starboard Water District

**P & S 47
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP-AM MAJ	S-484
BUNKER	ONTP MIN	

LD 1935 proposed to create the Starboard Standard Water District.

Committee Amendment "A" (S-484), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to change the territory of the Starboard Water District. The amendment also proposed to delete the special qualifications specified in the bill for the board of trustees of the district.

Enacted Law Summary

Joint Standing Committee on Utilities and Energy

Private and Special Law 2003, chapter 47 creates the Starboard Standard Water District, subject to local referendum approval. Private and Special Law 2003, chapter 47 was enacted as an emergency and took effect April 22, 2004.

LD 1948

An Act Relating to Energy-related Building Standards

PUBLIC 645

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
	OTP	MAJ	
	ONTP	MIN	

LD 1948, which was reported by a majority of the Joint Standing Committee on Utilities and Energy pursuant to its authority under Public Law 2003, chapter 497, proposed to do the following:

1. Repeal the current single-family residential building insulation standards effective 90 days after the adjournment of the First Regular Session of the 122nd Legislature;
2. Amend the commercial, institutional and multifamily building energy standards to provide that compliance with the 2003 International Energy Conservation Code satisfies those energy standards;
3. Direct the Public Utilities Commission to adopt through major substantive rules a model building energy code that is consistent with other state codes, including the commercial, institutional and multifamily state building standards, and any model building codes adopted by the State;
4. Provide that after the model building energy code takes effect, municipalities would be required on a going-forward basis to choose the model code if they choose to adopt an energy code; municipalities would not be required to adopt an energy code or to replace any existing code;
5. Direct the Public Utilities Commission to examine enforcement issues related to building energy codes; and
6. Authorize the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to report out legislation to the First Regular Session of the 122nd Legislature concerning building energy codes, including but not limited to legislation concerning the application of the model building energy code and the enforcement of state building energy standards.

Enacted law summary

Public Law 2003, chapter 645 does the following:

1. It repeals the current single-family residential building insulation standards effective 90 days after the adjournment of the First Regular Session of the 122nd Legislature;
2. It amends the commercial, institutional and multifamily building energy standards to provide that compliance with the 2003 International Energy Conservation Code satisfies those energy standards;

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3. It directs the Public Utilities Commission to adopt through major substantive rules a model building energy code that is consistent with other state codes, including the commercial, institutional and multifamily state building standards, and any model building codes adopted by the State;
4. It provides that after the model building energy code takes effect, municipalities would be required on a going-forward basis to choose the model code if they choose to adopt an energy code; municipalities would not be required to adopt an energy code or to replace any existing code;
5. It directs the Public Utilities Commission to examine enforcement issues related to building energy codes; and

It authorizes the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to report out legislation to the First Regular Session of the 122nd Legislature concerning building energy codes, including but not limited to legislation concerning the application of the model building energy code and the enforcement of state building energy standards.

LD 1949

An Act Relating to Certain Energy Responsibilities of the Public Utilities Commission

PUBLIC 644

Sponsor(s)

Committee Report

Amendments Adopted

OTP	MAJ
ONTP	MIN

LD 1949, which was reported by a majority of the Joint Standing Committee on Utilities and Energy pursuant to its authority under Public Law 2003, chapter 497, proposed to repeal various energy-related responsibilities of the Department of Economic and Community Development and move the substance of most of those responsibilities to the Public Utilities Commission. The bill proposed to give greater flexibility to the commission in administering these responsibilities.

In particular, the bill proposed to repeal laws relating to a manual of accepted practices for building energy standards, an information fact sheet concerning insulation materials, a solar equipment warranty, a solar energy equipment installers voluntary certificate program, and an energy auditors voluntary certificate program. The bill proposed to require the Public Utilities Commission to provide public information about energy technologies and energy efficiency practices; to examine and consider developing information manuals, including a manual of accepted practices, fact sheets, including a fact sheet on insulation materials, and training programs for persons who install, maintain or use energy technologies or must comply with energy-related standards; and to establish, to the extent funds and resources are available, a voluntary training program for installers of solar equipment and a voluntary training program for energy auditors. The bill proposed to direct the commission to seek federal funding sources to support the provision of such services and to authorize the commission to charge reasonable fees for such services if federal funding is not available or sufficient.

The bill also proposed to repeal a provision of law relating to federal programs that the Public Utilities Commission is required to administer and instead directs the commission to administer the United States Department of Energy State Energy Program and other federally funded programs related to functions that the commission performs.

The bill proposed to move responsibility for the federally funded Energy Conservation Small Business Revolving Loan Program from the Department of Economic and Community Development to the Public Utilities Commission.

Joint Standing Committee on Utilities and Energy

This move was intended to be accomplished by legislation passed in a prior session but for technical reasons was not fully accomplished.

Enacted law summary

Public Law 2003, chapter 644 repeals various energy-related responsibilities of the Department of Economic and Community Development and moves the substance of most of those responsibilities to the Public Utilities Commission. Public Law 2003, chapter 644 gives greater flexibility to the commission in administering these responsibilities.

In particular, Public Law 2003, chapter 644 repeals law relating to a manual of accepted practices for building energy standards, an information fact sheet concerning insulation materials, a solar equipment warranty, a solar energy equipment installers voluntary certificate program; and an energy auditors voluntary certificate program. Public Law 2003, chapter 644 requires the Public Utilities Commission to provide public information about energy technologies and energy efficiency practices; to examine and consider developing information manuals, including a manual of accepted practices, fact sheets, including a fact sheet on insulation materials, and training programs for persons who install, maintain or use energy technologies or must comply with energy-related standards; and to establish, to the extent funds and resources are available, a voluntary training program for installers of solar equipment and a voluntary training program for energy auditors. Public Law 2003, chapter 644 directs the commission to seek federal funding sources to support the provision of such services and authorizes the commission to charge reasonable fees for such services if federal funding is not available or sufficient.

Public Law 2003, chapter 644 also repeals a provision of law relating to federal programs that the Public Utilities Commission is required to administer and instead directs the commission to administer the United States Department of Energy State Energy Program and other federally funded programs related to functions that the commission performs.

Public Law 2003, chapter 644 moves responsibility for the federally funded Energy Conservation Small Business Revolving Loan Program from the Department of Economic and Community Development to the Public Utilities Commission. This move was intended to be accomplished by legislation passed in a prior session but for technical reasons was not fully accomplished.

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